

Edinburgh, March 16. 1748.

ACT of Sederunt, regulating the Fees and Dues of Clerks and other Officers in Sheriff and Stewart Courts, and of Clerks and Macers in the Circuit-courts, in Civil Cases.

THE Lords of Council and Session, taking to their Consideration the Act of the Twentieth Year of his Majesty's Reign, intituled, *An Act for taking away and abolishing the heritable Jurisdictions in Scotland, and making Satisfaction to the Proprietors thereof, and restoring such Jurisdictions to the Crown, and for making more effectual Provision for the Administration of Justice throughout that Part of the united Kingdom by the King's Courts and Judges there*; by which Act this Court is directed and required to take into their Consideration what Fees they shall judge reasonable to be paid to the Clerks or other Officers officiating in the Circuit-courts, or in the Courts of Sheriffs or Stewarts, in Civil Cases; and regulate the same by one or more Act or Acts of Sederunt on or before the 25th Day of March 1748, which shall be binding upon all Parties concerned, unless or until the same shall be altered by Act of Parliament: And having also had laid before them the Fees now in Use to be paid in the Sheriff-court of *Edinburgh*, and taken the Opinion of the Society of Writers to the Signet touching the same: The said Lords do hereby ENACT and ORDAIN, That the Clerks, Under-Clerks, Extracters, or Writing-servants, in Sheriff or Stewart Courts, and the Sheriff or Stewart Officers, and the Clerks or their Servants, and the Macers in the Circuit-courts, shall not, on any Pretence, or for any Cause whatsoever, exact, take or receive any other or any greater Fees, than those contained in the following Tables of Fees, for, or on account of the respective Matters or Things contained in the said Tables; viz:

	Scots Money.		
For registering each Sheet of Hornings, Interdictions, Inhibitions, and Lawburrows, with their Executions, to Clerk and Servants, Sixteen Shilling six Pennies	0	16	6
For an Extract of a Horning, Inhibition, Interdiction, or Lawburrows, with the Execution; for the first Sheet, to Clerk and Servants, Fourteen Shilling	0	14	0
Every other Sheet, Twelve Shilling	0	12	0
For registering every Sheet of Bonds, Instruments of Protest, Tacks, Dispositions, and Inventories of Heirs entering <i>cum beneficio</i> , and for any other Writings given in to be registrate, to Clerk and Servants, Fourteen Shilling six Pennies	0	14	6
For an Extract of the Fiars, to Clerk and Servants, Eight Shilling	0	8	0
For every Libel or Summons where the Sum is under Forty Pound Scots, Six Shilling	0	6	0
For a Libel or Summons where the Sum is above Forty Pound Scots, Twelve Shilling	0	12	0
For every Precept for summoning Witnesses, and Parties <i>pro responsis</i> , Two Shilling	0	2	0
Letters of Arrestment, or Loosing thereof, Ten Shilling	0	10	0
For a Petition, or Answer, Six Shilling	0	6	0
For writing a Bond of Cautionry, Twelve Shilling	0	12	0
For receiving thereof, Six Shilling	0	6	0
For producing an Advocation, Twelve Shilling	0	12	0
<i>For writing of Depositions of Parties and Witnesses.</i>			
For every Deposition of a Party, Twelve Shilling	0	12	0
For each of the first six Witnesses, Twelve Shilling	0	12	0
For every other Witness, Six Shilling	0	6	0
To the Clerk for extracting every Decreet not exceeding Twenty five Pound Scots, Twelve Shilling	0	12	0
To the Clerk for extracting every Decreet exceeding Twenty five Pound, and not exceeding Forty Pound Scots, One Pound	1	0	0
To the Clerk for extracting every Decreet exceeding Forty Pound, and not exceeding Sixty Pound Scots, One Pound sixteen Shilling	1	16	0
For writing and recording each Sheet of these DECREETS, Six Shilling	0	6	0
To Clerks and Servants, for extracting all DECREETS, Acts, or Commissions, in Causes exceeding Sixty Pound Scots in Value; for the first Sheet, One Pound ten Shilling	1	10	0
For every other Sheet, Eighteen Shilling	0	18	0
But for every repeated Sheet of a Decreet, where any Acts or Commissions have been extracted, only Eight Shilling	0	8	0
For every Sheet of DECREETS of Transumpt, Fourteen Shilling six Pennies	0	14	6
That each Sheet of an Extract, written Sheet-ways, consist of forty nine Lines, at the rate of thirteen Words in each Line; and if wrote Book-ways, that it consist of two Pages, and of thirty six Lines in each Page, and after the rate of nine Words in the Line.			
That for every Appeal entered against any Decreet, Sentence, or Judgment, there be paid to the Clerk, by the Appellant, for recording the Appeal, and taking the Bond of Caution, Twelve Shilling			
	0	12	0
And that the Clerk insert the said Appeal in every Extract to be thereafter given out by him of such Decreet, for which his Dues are to be paid after the same rate as the rest of the Extract.			
And the Lords ordain the said several Clerks duly and faithfully to record all the DECREETS extracted by them under the highest Penalties inflicted by the Law on such Neglects of Duty.			
For a General Service, to Clerks and Servants drawing the Claim, and expeding the Service, and to Officers and Witnesses for executing the Brieve at the Market-cross, Nine Pound	9	0	0
For Acts of Curatory, and Process for making up Tutorial or Curatorial Inventaries, each Sheet, Three Pound	3	0	0

For

*For Special Services as follows.**Scots Money.*

To drawing the Claim, expediting the Service, and giving the Retour or Extract of the Service, including Officers and Witnesses Fees for executing the Brieves; for the first Sheet, Nine Pound	9	0	0
For every other Sheet, Three Pound	3	0	0

For Seifins, to be paid as follows.

1 ^{mo} , The current Price of the Vellum or Parchment for the Time.			
2 ^{do} , For the first Sheet that it fills up of the Clerk's Prothocall as Notary, Four Pound	4	0	0
And for every other Sheet, Three Pound	3	0	0

That the Clerk receive for his Pains for taking the Infeftment as follows.

If it is taken at the Distance from the Clerk's Office of three Miles, or under, that he be paid for an Estate not exceeding Two thousand Merks of yearly Rent, Twelve Pound twelve Shilling	12	12	0
If exceeding Two thousand Merks, and not exceeding Five thousand Merks, Twenty five Pound four Shilling	25	4	0
If exceeding Five thousand Merks, and not exceeding Ten thousand Merks, Thirty seven Pound sixteen Shilling	37	16	0
If exceeding Ten thousand Merks, and not exceeding Twenty thousand Merks, Fifty Pound eight Shilling	50	8	0
And for any Estate exceeding Twenty thousand Merks, Sixty three Pound	63	0	0

And no more whatever the Estate be.

If it exceeds three Miles, that Three Pound be paid for every other Mile that the Clerk taking the Seifin shall be obliged to travel to the Place where Seifin is given, until it amounts to ten Miles	3	0	0
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And if it exceed ten Miles, One Pound ten Shilling to be paid for every other Mile	1	10	0
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For Sequestration of a bankrupt Tenant's Effects, such a Sum as shall be judged reasonable by the Sheriff, the highest not exceeding Twelve Pound	12	0	0
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The lowest, not under Three Pound	3	0	0
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And for each Person qualifying in terms of Law, and for the Certificate thereof, One Pound four Shilling	1	4	0
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For transacted Processes and Decrets, the one half of what they would have amounted to if extracted.

And that Services of Relicts to their Term pay one half of special Services, Services of Tutorry to pay as general Services, and Services of Idiotry and Furiosity to pay as general Services, and the Witnesses to be paid for as in other Processes.

And the said Lords do hereby order, That the Clerks of the Sheriff and Stewart Courts cause to be affixed upon the Walls of their respective Offices, and of their Court-houses, printed Copies of the above Table, and of this Act of Sederunt, and that there with they cause to be hung up upon the Walls of their said Offices, Pattern-copies of the Sheets according to the above Table, and signed by one of the Clerks of Session; and that so often as the said Table or Pattern-copies shall be taken away or defaced, that they renew the same.

To the Officer for summoning a Party or Witness, or charging to make Payment on Decreet or Precept, to himself, and two Witnesses to the Execution, Eight Shilling	0	8	0
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But if the Parties or Witnesses cited or charged exceed three in Number, and are within one Mile of one another, in that Case only for each Six Shilling	0	6	0
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Item, For each Mile the Officer and his two Witnesses travel from the Place of his Residence, there shall be paid to him a further Sum of Six Shilling; provided always that the whole Sum paid the Officer, for himself and his two Witnesses, do not exceed half a Crown for one Day, whatever be the Number of Miles, or Number of Parties or Witnesses to be summoned	0	6	0
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To the Bar-officers that attend the Court, for the Oath of each Party or Witness, One Shilling	0	1	0
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For executing of a Caption for Reproduction of a Process, Six Shilling	0	6	0
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The Officer for himself, Witnesses and Appraisers, &c. to be paid for Poidings at the Discretion of the Party Employer, for which the Officer assigns him to the Sheriff-fee.

Table of Fees to be paid the Clerks and Macers of the Circuit-courts in Civil Cases.

For inrolling the Cause in a Roll to be made up before sitting of the Circuit-court, Four Shilling	0	4	0
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For every Party and Witness's Deposition, to the Clerk Twelve Shilling	0	12	0
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To the Macer for the same, Four Shilling	0	4	0
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For an Extract of the Lords Sentence or Judgment, to the Clerk Three Pound	3	0	0
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To the Clerk for each Person qualifying in terms of Law, and for the Certificate thereof, One Pound four Shilling	1	4	0
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And the said Lords do hereby prohibit and discharge the said several Officers, on any Pretence whatsoever, to take, accept or receive any other or higher Fees for any Matters pertaining to their respective Offices in Civil Cases; certifying the said several Officers in Sheriff and Stewart Courts, That if they shall exceed the said Fees, or take or receive any other or higher Fees, for any Matter or Thing pertaining to their Offices in Civil Cases, whatever shall be the Colour or Pretext for taking the same, that the Person so offending may either be punished by the Sheriff and Stewart Depute of the Court in which the said Person has his Office; or that, upon summary Complaint made to the Court of Session, the said Lords will take Cognisance of such Offence, and punish the Person offending, by Deprivation from his Office, or otherwise, according to the Nature and Degree of his Offence, besides his making full Reparation to the Party or Parties injured. And ordain this Act to be recorded in the Sederunt-book, and printed and published as usual.